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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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01436/LH

2686

1933 7590 09/26/2006

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EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/910,738	UCHIDA ET AL.	
	Examiner	Art Unit	
	Tung Vo	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) 1-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 47 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima (US 5,276,550).

Re claims 47 and 48, Kojima discloses a imaging apparatus for a microscope (fig. 1) comprising: an imaging element (4 of fig. 1) which picks up an image observed through the microscope; and an operation display section (5-8 of fig. 1); wherein the operation display section comprises: an operation section (8 of fig. 1) comprising an imaging start instructing member (16 and 14 of fig. 14), a recording range enlargement instructing member and a recording range reduction instructing member (16 of fig. 14, see also fig. 5), a display enlargement instructing member, and a display reduction instructing member (11, 21, and 22 of figs. 7A, 7B, 8-13); a recording section which records the image picked up by the imaging element (4 of fig. 2); a display section (10 of fig. 1) configured to display the image recorded by the recording section at a display magnification, which is variable (fig. 7B, and fig. 8); and a control section (8 of fig. 1) which controls recording and reproducing operations (display operation) of the recording section and the display magnification of the display section, and which selectively controls a recording range of the image instructed by the recording range

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enlargement instructing member and the recording range reduction instructing member, and the display magnification of the image instructed by the display enlargement instructing member and the display reduction instructing member in a mode selected from the group consisting of: a first mode in which the recording range of the image is fixed (fig. 6), and a display range and the display magnification of the image are variable (figs. 7A and 8); a second mode in which the recording range of the image is variable (fig. 5), and the display range and the display magnification of the image are fixed; and a third mode in which the recording range of the image is variable and the display range and the display magnification of the image are variable (fig. 14); wherein the operation section further comprises: a recording range display instructing member which causes the display section to display the recording range of the image (figs. 7B and 13); a recording range instructing member (figs. 4 and 5) which varies the recording range of the image; and an image list display instructing member which causes the display section to display a list of images of predetermined areas of the image recorded in the record section (fig. 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacus et al. (US 6,326,392).

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Re claims 47 and 48, Bacus teaches a imaging apparatus for a microscope (fig. 5) comprising: an imaging element (14 of fig. 5) which picks up an image observed through the microscope (16, 140 of fig. 5); and an operation display section (12, 22, 82, and 92 of fig. 5); wherein the operation display section comprises:

an operation section (figs. 6 and 7) comprising an imaging start instructing member (82 of fig. 5, Note the mouse would obviously control the operation of the microscopic including the camera wherein the computer is programmable to instruct the whole system),

a recording range enlargement instructing member and a recording range reduction instructing member (fig. 9), a display enlargement instructing member and a display reduction instructing member (fig. 10);

a recording section which records the image picked up by the imaging element (fig. 9, Note scanning the object on the microscope);

a display section (fig. 10) configured to display the image recorded by the recording section at a display magnification, which is variable (254 of fig. 10); and

a control section (82, 92 of fig. 5; and fig. 7) which controls recording and reproducing operations (display operation) of the recording section and the display magnification of the display section, and which selectively controls a recording range of the image instructed by the recording range enlargement instructing member and the recording range reduction instructing member, and the display magnification of the image instructed by the display enlargement instructing member and the display reduction instructing member in a mode selected from the group consisting of:

a first mode in which the recording range of the image is fixed, and a display range and the display magnification of the image are variable (figs. 14 and 14A); a second mode in which the recording range of the image is variable (fig. 15A), and the display range and the display magnification of the image are fixed; and a third mode in which the recording range of the image is variable and the display range and the display magnification of the image are variable (fig. 14); wherein the operation section further comprises: a recording range display instructing member which causes the display section to display the recording range of the image (28 of fig. 5); a recording range instructing member (figs. 4 and 5) which varies the recording range of the image; and an image list display instructing member which causes the display section to display a list of images of predetermined areas of the image recorded in the record section (22 of fig. 2).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

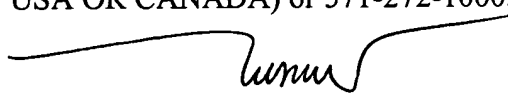
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tung Vo
Primary Examiner
Art Unit 2621